



PATENT ATTORNEY DOCKET NO. 044574-5022-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:)	
Dario C. ALTIERI)	
cation No.: 09/690,825)	Group Art Unit: 1642
October 18, 2000)	Examiner: K. Canella, Ph.D.
SURVIVIN, A PROTEIN THAT INHIBITS CELLULAR APOPTOSIS AND ITS MODULATION)))	
		RECEIVED
ant Commissioner for Patents ngton, D.C. 20231		MAR 1 3 2003
		TECH CENTER 1600/2900
AMENDMENT TRANSM	ITTAL F	FORM
Transmitted herewith is an Amendment respond 31, 2002.	ding to the	e Office Action dated December
Additional papers enclosed:		
 [] Citations [] Declaration of Biological Deposit [] Submission of "Sequence Listing", compared to the compared	puter read	= -
	Dario C. ALTIERI cation No.: 09/690,825 October 18, 2000 SURVIVIN, A PROTEIN THAT INHIBITS CELLULAR APOPTOSIS AND ITS MODULATION ant Commissioner for Patents ington, D.C. 20231 AMENDMENT TRANSM Transmitted herewith is an Amendment respond 31, 2002. Additional papers enclosed: [] Submission of Formal Drawings [] Information Disclosure Statement [] Form PTO-1449, references inclu [] Citations [] Declaration of Biological Deposit [] Submission of "Sequence Listing", comp	Dario C. ALTIERI Dario No.: O9/690,825 Dario C. Altienion No.: O9/690,825 Dario No.

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3. <u>Extension of Time</u>

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- [X] Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- [] Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

Total Months Requested	Fee for Extension	[Fee for Small Entity]	RECEIVED
one month	\$ 110.00	\$ 55.00	MAR 1 3 2003
[] two months	\$ 400.00	\$200.00	TECH CENTER 1600/2900
three months	\$ 920.00	\$460.00	12011 CENTER 1000/2900
[] four months	\$1,960.00	\$980.00	

Extension of time fee due with this request: \$ 0.00

If an additional extension of time is required, please consider this a Petition therefor.

[] An extension for __ months has already been secured and the fee paid therefor of \$___ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

[X] EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §' 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Fee Calculation (37 C.F.R. § 1.16)

	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	81	minus	125	0	x \$18 each=	+ \$0.00
Independent Claims (37 C.F.R.§1.16(b))	4	minus	24	0	x \$%\$ each=	+ \$
[] First presentation of Multiple dependent claim(s) \$280.00						+\$
SUB-TOTAL =						\$0.00
Reduction by 2 for filing by a small entity					- \$	
TOTAL FEE =					\$ 000	

6. Fee Payment

5.

[]	The Commissioner is hereby authorized to charge	to Deposit Account No.		
		50-0310.			

[X] The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR § 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: March 10, 2003

1 33/4/105/157 1

By: Sally P Teng

Reg. No. 45,397

CUSTOMER NO. 09629 MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, NW Washington, D.C. 20036-5869 202-739-3000



PATENT Attorney Docket No. 044574-5022-2

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AMENDMENT UNDER 37 C.F.R. §1.116

This paper responds to the Final Office Action dated December 31, 2002 (Paper No. 13).

Applicants respectfully request reconsideration of this application in view of the following amendments and remarks.

Kindly amend the application as follows:

In the Claims:

Please cancel claims 95, 96, 98-100, and 103 without prejudice or disclaimer of the subject matter claimed therein.

Please substitute the following amended claims 94, 101, and 102 for pending claims 94, 101, and 102: